

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

1940 RANGE CONSERVATION PROGRAM BULLETIN

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Payment will be made for participation in the 1940 Range Conservation Program in accordance with the provisions hereof and such modifications thereof as may hereafter be made.

Section 1. RATES OF RANGE-BUILDING PAYMENTS

Within the limits of the range-building allowance and subject to the conditions hereinafter set forth, payment will be made for carrying out on range land in 1940 such of the range-building practices listed in this section as are recommended for the State by the State committee and approved by the Regional Director, and as are approved by the county committee for the ranching unit prior to their institution. The payments listed below are the maximum payments allowable, and the payment for any practice included may, for any State or area within a State, be adjusted downward by the State committee with the approval of the Agricultural Adjustment Administration in order to reflect relatively lower costs or relative desirability of the practice.

RESEEDING OF RANGE LAND

Practices and Conditions of Payment	Rate of Payment
(a) Natural reseeding by deferred grazing and supplemental practices. Withholding 25 percent of the range land in the ranching unit from grazing for the normal period from the start of forage growth to seed maturity, which period will be determined by the State committee with the approval of the regional director, provided that (1) the area to be kept free of grazing is fenced and the	75 percent of that part of the range-building allowance which is computed under section 2 (a): <i>Provided</i> , That (1) if grazing is deferred on less than 25 percent of the range land in the ranching unit the payment shall be 3 percent for each 1 percent of the range land included in such practice; and

RESEEDING OF RANGE LAND—Continued

Practices and Conditions of Payment	Rate of Payment
<p>fence is maintained sufficiently to prevent the entry of livestock or on ranching units used exclusively for grazing sheep or goats (and, in areas designated by the regional director upon recommendation of the State committee, cattle or horses) the entry of livestock on the non-grazed acreage is prevented by herding or other specified methods, (2) the remaining range land in the ranching unit is not pastured to such an extent as will decrease the stand of grass or injure the forage, tree growth, or watershed, (3) such practice shall not be applicable to range land in the ranching unit which normally is not used for grazing, (4) the ranch operator has submitted to the county committee in writing the designation of the non-grazing range area previous to the initiation of such practice, and (5) the ranch operator complies with such other conditions or specifications as shall be established by the county committee with the approval of the State committee as are needed in the interest of range conservation.</p> <p>(b) Artificial Reseeding. For reseeding depleted range land, including mountain meadowland, with good seed of adapted varieties of range grasses, legumes or forage shrubs.</p> <p>(c) Artificial sodding. For resodding depleted range land with adapted varieties of range grasses.</p>	<p>(2) that payment shall not exceed the value of practices carried out which are designated by the county committee in accordance with instructions issued with the approval of the Agricultural Adjustment Administration and for which payment otherwise will not be made, except that in areas designated by the Agricultural Adjustment Administration as areas where only limited supplemental practices are required or are otherwise provided for, payment shall not exceed 40 percent (or if grazing is deferred on less than 25 percent of the range land in the ranching unit 1.6 percent for each 1 percent of the range land included in such practice) of the allowance computed under section 2 (a) by more than the value of such practices carried out on the ranching unit.</p> <p>\$0.20 per pound of seed sown, but not in excess of \$2.00 per acre.</p> <p>\$3.00 per acre.</p>

EROSION AND RUNOFF CONTROL

(d) Contour listing, furrowing, or subsoiling. For listing, furrowing, or subsoiling range land, including mountain meadow land, on the contour.	2.5 cents per 100 linear feet.
(e) Contour Ridging. For ridging range land on the contour.	\$0.10 per 100 linear feet.
(f) Spreader dams and terraces. For constructing spreader dams and spreader terraces alone or in combination with each other for the diversion of surface water to prevent soil washing of range land, including mountain meadow land:	\$0.15 per cubic yard of material moved.
(1) Spreader dams-----	\$0.50 per 100 linear feet.
(2) Spreader terraces-----	

DEVELOPMENT OF STOCK WATER ON RANGE LAND

(g) Earthen tanks or reservoirs. For constructing reservoirs or earthen tanks with spillways adequate to prevent dams from washing out, for the purpose of providing water for range livestock.	\$0.15 per cubic yard of material moved not in excess of 5,000 cubic yards, and \$0.10 per cubic yard of material moved in excess of 5,000 cubic yards for each tank or reservoir.
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DEVELOPMENT OF STOCK WATER ON RANGE LAND—Continued

Practices and Conditions of Payment	Rate of Payment
(h) Concrete or rubble masonry dams. For constructing concrete or rubble masonry dams in rough or broken areas (where earthen dams or reservoirs are impracticable and where there is no possibility of using the masonry dam for irrigation), for the purpose of providing water for range livestock.	\$6.00 per cubic yard of concrete or rubble masonry.
(i) Wells:	
(1) For drilling or digging wells with casing not less than 4 inches in diameter, for the purpose of providing water for range live-stock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. Payment will not be made for a well developed at any ranch headquarters.	\$2.00 per linear foot.
(2) For drilling wells with casing less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir or for drilling an artesian well for the purpose of providing water for range livestock provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or trough. Payment will not be made for a well developed at any ranch headquarters.	\$1.00 per linear foot.
(j) Development of natural watering places. For developing springs or seeps for the purpose of providing water for range livestock, provided the source is protected from trampling, and at least 20 cubic feet of available water storage is provided, and provided further, that the total cost of development is not less than \$20.00.	\$0.30 per cubic foot in soil or gravel and \$0.50 per cubic foot in rock formation for excavation of source, provided the minimum payment will be \$20.00 and the maximum payment \$100.00 for any single development.

PLANTING AND MAINTAINING A STAND OF TREES

(k) Tree planting. Planting of trees on range land, provided that the trees are planted in 1940 prior to November 1; that the number, kind, and age of trees planted and methods of planting and growing of such trees are in accordance with approved specifications; and that the acreage planted to trees is fenced and the fence is maintained sufficiently to prevent entry of livestock.	\$7.50 per acre.
(l) Cultivating and maintaining a stand of trees. Cultivating, protecting, and maintaining, by replanting, if necessary, a full stand of at least 500 trees per acre of forest planting, or 200 trees per acre of windbreak or shelter-belt plantings, planted on range land between July 1, 1935, and July 1, 1940.	\$3.00 per acre.

CONSERVATION OF RANGE LANDS THROUGH ELIMINATION OF DESTRUCTIVE PLANTS

Practices and Conditions of Payment	Rate of Payment
(m) Prickly pear and cactus:	
(1) Light infestation.....	\$0.50 per acre.
(2) Medium infestation.....	\$0.75 per acre.
(3) Heavy infestation.....	\$1.00 per acre.
(n) Mesquite:	
(1) Light infestation.....	\$0.50 per acre.
(2) Medium infestation.....	\$1.00 per acre.
(3) Heavy infestation.....	\$2.00 per acre.
(o) Cedar:	
(1) Light infestation.....	\$0.75 per acre.
(2) Medium infestation.....	\$1.00 per acre.
(3) Heavy infestation.....	\$1.50 per acre.
(p) Lechuguilla:	
(1) Heavy infestation.....	\$0.50 per acre.
(q) St. John's Wort:	
(1) Medium infestation.....	\$2.00 per acre.
(r) Sagebrush: (1) Heavy infestation:	\$0.50 per acre.
<i>Provided, That if the county committee determines the elimination of destructive plants under any of practices (m) to (r), inclusive, will reduce the vegetative cover to such an extent as to encourage increased soil erosion, the use of practice (b), artificial reseeding, shall also be required where soil and climatic conditions permit.</i>	
(s) Destruction of noxious plants by mowing:	\$0.25 per acre.
<i>Provided, That payment will not be made if the plants mowed are used for hay or sold for any purpose. Payment will not be made for mowing a greater number of times than the county committee, with the approval of the State committee, finds it necessary for destruction of the noxious plants.</i>	

FIRE GUARDS

Practices and Conditions of Payment	Rate of Payment
(t) Fire guards. For the establishment on range land of fire guards not less than 10 feet in width by plowing furrows or otherwise exposing the mineral soil. Payment will not be made if any fire guard is used in connection with controlled burning within the ranching unit.	\$0.05 per 100 linear feet.

Sec. 2. RANGE-BUILDING ALLOWANCE

(a) **Acreage and grazing capacity.** In Texas, Oklahoma, Kansas, Nebraska, South Dakota, and California, the range-building allowance shall be 2 cents per acre of range land in the ranching unit plus \$1.00 times the grazing capacity of the range land; and in Arizona, New Mexico, Nevada, Utah, Colorado, Washington, Oregon,

Idaho, Montana, Wyoming, and North Dakota, the range-building allowance shall be 3 cents per acre of range land in the ranching unit plus 75 cents times the grazing capacity of the range land: *Provided, however,* That in either area the grazing capacity item shall not be calculated on more than one animal unit for each 10 acres of range land in the ranching unit, and the acreage item shall not be calculated on more than 60 acres for each animal unit of grazing capacity established for the ranching unit: *Provided further,* That the amount computed under this paragraph shall not be less than 10 cents times the number of such acres or 640 acres, whichever is smaller.

(b) **Mountain meadow land.** In addition, the range-building allowance shall include 35 cents times the number of acres of mountain meadow land in the ranching unit from which hay is normally harvested for feeding on the ranching unit to range livestock owned by the operator of the ranching unit. The counties in which this additional allowance is made shall be those mountain counties in the Western Region for which, upon the basis of the recommendations of the county and State committees, the regional director determines the reseeding and erosion control practices specified in Section 1 to be necessary and effective in promoting range conservation: *Provided, however,* The mountain meadow land for which this additional allowance is made shall not be considered in calculating the portion of the range-building allowance provided for in paragraph (a).

Sec. 3. CONDITIONS OF PAYMENT

(a) **Promotion of conservation and good range management.** Payments for carrying out range-building practices are conditioned upon the adoption or maintenance of conservative range management practices designed to secure or maintain a good stand of grass or other palatable forage plants and in bringing about such use of the forage resources of the ranch as will most effectively carry out the purposes of the Soil Conservation and Domestic Allotment Act. Payments under the 1940 Range Conservation Program will be made only with respect to those ranching units on which the county committee certifies that such range management practices have been followed. The range-building practices approved by the county committee for any ranching unit shall be practices which the county committee finds are needed on the ranch in order to promote conservation and good range management.

(b) **Payments limited to range-building allowance.** The range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit. Payment will be made only if range-building practices are carried out according to specifications recommended by the State committee and approved by the regional director. Payments made for carrying out range-building practices shall not be subject to the provisions of Section 1 of the 1940 Agricultural Conservation Program Bulletin.

(c) **State or Federal aid.** No payment will be made for practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the Agricultural Adjustment Administration, or for practices with respect to which a portion of the labor, seed, trees, or other materials used in carrying out such practices is furnished by a State or Federal agency other

than the Agricultural Adjustment Administration, if such portion represents one-half or more of the total cost of carrying out such practices. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents less than one-half of the total cost of carrying out such practice, payment will be made for such practice at one-half of the rate specified in Section 1: *Provided*, That labor, seed, trees, and materials furnished to a State, political subdivision of a State, or any agency thereof by an agency of the same State shall not be deemed to have been furnished by "any State * * * agency" within the meaning of this paragraph. Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency. No payment will be made for the planting and protection of forest trees planted under a cooperative agreement entered into with the Forest Service in connection with the Prairie States Forestry Project.

Sec. 4. CHANGES IN LEASING ARRANGEMENTS AND OTHER DEVICES

No payment will be made to any person who has for 1940 made any change from the 1939 leasing arrangements of range land for the purpose of, or which would have the effect of, diverting to such person any payment to which any lessee would be entitled if the 1939 leasing arrangements of such range land were in effect for 1940. If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1940 Range Conservation Program has made any change from the 1939 leasing arrangements of such range land or has employed any other scheme or device whatsoever for the purpose of, or which would have the effect of, depriving any other person of any payment or share therein to which such other person otherwise would be entitled, the Secretary may withhold in whole or in part from the person participating in such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or otherwise would be made to such person for performance in connection with the 1940 Range Conservation Program.

Sec. 5. ELIGIBILITY FOR PAYMENT

(a) **Persons eligible to file application.** Application for range-building payment may be made only by ranch operators. Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators, provided they all signify in the application for the range-building payment a percentum of the total payment to be made to each ranch operator. In case there are two or more ranch operators, the application must be made by all of them, except that in cases where any ranch operator refuses to sign the application for payment the county committee shall determine the percentage share of each ranch operator and payment of his percentage share will be made to each ranch operator applying for payment in accordance with such determination.

(b) **Time and manner of filing application and information required.** Payment will be made only upon application submitted

through the county office, on or before a date fixed by the regional director but not later than March 31, 1941. The Secretary reserves the right (1) to withhold payment to any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

(c) **Excess cotton acreage.** Any person who makes application for payment with respect to any ranching unit located in a county in which cotton is planted in 1940 shall file with such application a statement that the applicant has not knowingly planted or caused to be planted during 1940 cotton on land in any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1940 and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton on his farm in 1940 on acreage in excess of the cotton acreage allotment established for the farm for 1940 shall not be eligible for any payment under the provisions of the 1940 Range Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1940 on acreage in excess of the cotton acreage allotment for the farm for 1940 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

Sec. 6. PAYMENT RESTRICTED TO EFFECTUATION OF THE PURPOSES OF THE PROGRAM

All or any part of any payment which otherwise would be made to any person under the 1940 Range Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous range conservation programs, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which the regional director finds is contrary to sound conservation practices.

No payment will be made to any person if it is determined in accordance with instructions issued by the Agricultural Adjustment Administration that, with respect to any ranch which he owns or operates, the stand of grass has been decreased or the forage, tree growth or watershed has been injured by overgrazing in 1940.

Sec. 7. PAYMENTS COMPUTED AND MADE WITHOUT REGARD TO CLAIMS

Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in Section 11), and without regard to any claim or lien against any crop or livestock, or proceeds thereof, in favor of the owner of any other creditor.

Sec. 8. INCREASE IN SMALL PAYMENTS

The total payment computed for any person with respect to any ranching unit shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.00;
- (2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;
- (3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99	\$0. 40	\$32.00 to \$32.99	\$10. 40
\$2.00 to \$2.99	0. 80	\$33.00 to \$33.99	10. 60
\$3.00 to \$3.99	1. 20	\$34.00 to \$34.99	10. 80
\$4.00 to \$4.99	1. 60	\$35.00 to \$35.99	11. 00
\$5.00 to \$5.99	2. 00	\$36.00 to \$36.99	11. 20
\$6.00 to \$6.99	2. 40	\$37.00 to \$37.99	11. 40
\$7.00 to \$7.99	2. 80	\$38.00 to \$38.99	11. 60
\$8.00 to \$8.99	3. 20	\$39.00 to \$39.99	11. 80
\$9.00 to \$9.99	3. 60	\$40.00 to \$40.99	12. 00
\$10.00 to \$10.99	4. 00	\$41.00 to \$41.99	12. 10
\$11.00 to \$11.99	4. 40	\$42.00 to \$42.99	12. 20
\$12.00 to \$12.99	4. 80	\$43.00 to \$43.99	12. 30
\$13.00 to \$13.99	5. 20	\$44.00 to \$44.99	12. 40
\$14.00 to \$14.99	5. 60	\$45.00 to \$45.99	12. 50
\$15.00 to \$15.99	6. 00	\$46.00 to \$46.99	12. 60
\$16.00 to \$16.99	6. 40	\$47.00 to \$47.99	12. 70
\$17.00 to \$17.99	6. 80	\$48.00 to \$48.99	12. 80
\$18.00 to \$18.99	7. 20	\$49.00 to \$49.99	12. 90
\$19.00 to \$19.99	7. 60	\$50.00 to \$50.99	13. 00
\$20.00 to \$20.99	8. 00	\$51.00 to \$51.99	13. 10
\$21.00 to \$21.99	8. 20	\$52.00 to \$52.99	13. 20
\$22.00 to \$22.99	8. 40	\$53.00 to \$53.99	13. 30
\$23.00 to \$23.99	8. 60	\$54.00 to \$54.99	13. 40
\$24.00 to \$24.99	8. 80	\$55.00 to \$55.99	13. 50
\$25.00 to \$25.99	9. 00	\$56.00 to \$56.99	13. 60
\$26.00 to \$26.99	9. 20	\$57.00 to \$57.99	13. 70
\$27.00 to \$27.99	9. 40	\$58.00 to \$58.99	13. 80
\$28.00 to \$28.99	9. 60	\$59.00 to \$59.99	13. 90
\$29.00 to \$29.99	9. 80	\$60.00 to \$185.99	14. 00
\$30.00 to \$30.99	10. 00	\$186.00 to \$199.99	(1)
\$31.00 to \$31.99	10. 20	\$200.00 and over	(2)

¹ Increase to \$200.00.

² No increase.

Sec. 9. PAYMENTS LIMITED TO \$10,000

The total of all payments made in connection with programs for 1940 under Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single

State, Territory, or possession, shall not exceed the sum of \$10,000 prior to deduction for association expenses in the county or counties with respect to which the particular payment is made. The total of all payments made in connection with programs for 1940 under Section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership or estate with respect to farms, ranching units and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000 prior to deduction for association expenses in the county or counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 Agricultural Conservation Program, including the Range Conservation Program, may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

Sec. 10. DEDUCTIONS FOR ASSOCIATION EXPENSES

There shall be deducted pro rata from the payments with respect to any ranching unit all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the ranching unit is located.

Sec. 11. ASSIGNMENTS

Any person who may be entitled to any payment in connection with the 1940 Range Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the Agricultural Adjustment Administration and unless such assignment is entitled to priority as determined under the instructions governing the recording of such assignments issued by the Agricultural Adjustment Administration.

Nothing contained in this Section 11 shall be construed to give an assignee a right to any payment other than that to which the ranch operator is entitled nor (as provided in the statute) shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the ranch operator without regard to the existence of any such assignment.

Sec. 12. ESTABLISHMENT OF GRAZING CAPACITIES

There shall be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received on or before a date established by the regional director as affording reasonable opportunity for the filing of such applications. In determining grazing capacity, consideration shall be given to the

following: (a) composition, palatability, and density of forage growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) presence or absence of rodents and poisonous plant infestations; and (f) number and classes of livestock previously carried. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit established by the Agricultural Adjustment Administration on the basis of available statistics.

Sec. 13. APPEALS

Any person may within 15 days after notice thereof is forwarded to or available to him request the county committee in writing to reconsider its recommendation or determination in any of the following matters respecting any ranching unit in which he has an interest: (a) eligibility to file an application for payment, (b) grazing capacity established for the range land in such ranching unit, or (c) any other matter affecting the right to or the amount of his payment with respect to the ranching unit. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, having an interest in the operation of the ranching unit, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, having an interest in the operation of the ranching unit, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

Sec. 14. STATE AND REGIONAL BULLETINS, INSTRUCTIONS AND FORMS

The Agricultural Adjustment Administration is hereby authorized to make such determinations and to prepare and issue such State and regional bulletins, instructions, and forms as may be required pursuant to the provisions hereof in administering the 1940 Range Conservation Program.

Sec. 15. DEFINITIONS

For the purposes of the 1940 Range Conservation Program unless the context otherwise requires:

Secretary means the Secretary of Agriculture of the United States.

North Central Region means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

Southern Region means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

Western Region means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

Regional Director means the director of the division of the Agricultural Adjustment Administration in charge of the agricultural conservation programs and the range conservation programs in the region.

State Committee means the group of persons designated for any State to assist in the administration of the agricultural conservation programs and the range conservation programs in such State.

County Committee means the group of persons elected for any county to assist in the administration of the agricultural conservation programs and the range conservation programs in such county.

Person means an individual, partnership, association, corporation, estate, or trust, and wherever applicable a State, a political subdivision of a State, or any agency thereof.

Range-Building Payment means a payment for the carrying out of one or more approved range-building practices.

Range-Building Allowance means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

Ranch Operator means a person who as owner, cash tenant, or share tenant operates, or a person who acts in similar capacity in the operation of a ranching unit in 1940.

Range Land means any land in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage grazed by range livestock, without cultivation or general irrigation. Range land shall not include public domain of the United States including lands owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States; provided that in States or areas where the range conservation program is applicable and is not combined with the Agricultural Conservation Program all non-crop open pasture land shall be classified as range land upon recommendation of the State committee and approval of the Agricultural Adjustment Administration.

Ranching Unit means all range land which is used in 1940 by the ranch operator as a single unit in producing range livestock, with machinery, workstock, and labor substantially separate from that of any other range land. In order to facilitate the administration of the program the Regional Director may prescribe that for the purposes of this program tracts shall be deemed ranching units only if they contain more than the minimum acreage of range land fixed by him. A ranching unit shall be regarded as located in the county in which its principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the ranching unit is located.

Animal Unit means one cow, one horse, five sheep, or five goats, or the equivalent thereof.

Grazing Capacity of Range Land means the number of animal units which such land will sustain, on a 12-month basis, over a period of years without decreasing the stand of grass or other grazing vegetation, and without injury to the forage, tree growth, or watershed.

Sec. 16. AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

(a) **Authority.** Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, and in connection with the effectuation of the purposes of Section 7 (a) of said Act in 1940, the payments provided for herein will be made for participation in the 1940 Range Conservation Program.

(b) **Availability of funds.** The provisions of the 1940 Agricultural Conservation Program, including the Range Conservation Program, are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purpose, and the amounts of such payments will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation. Any increase or decrease in rates of payment made because of the extent of participation in the Range Conservation Program will not exceed 10 percent.

(c) **Applicability.** The provisions of the 1940 Range Conservation Program contained herein, except Section 9, are not applicable to (1) Hawaii, Puerto Rico, and Alaska; (2) counties for which special range programs under said Act are approved for 1940 by the Secretary; and (3) public domain of the United States, including land owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

(d) **Combination with Agricultural Conservation Program.** The Range Conservation Program may be combined with the Agricultural Conservation Program for 1940 in any State or area upon recommendation of the State committee and the approval of the Agricultural Adjustment Administration, in which case range land shall be treated as non-crop pasture and the range-building practices shall be treated as incorporated in the agricultural conservation program.

Done at Washington, D. C., this 28th day of September, 1939.
Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. Wallace
Secretary of Agriculture.

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

1940 RANGE CONSERVATION PROGRAM BULLETIN

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Payment will be made for participation in the 1940 Range Conservation Program in accordance with the provisions hereof and such modifications thereof as may hereafter be made.

Section 1. RATES OF RANGE-BUILDING PAYMENTS

Within the limits of the range-building allowance and subject to the conditions hereinafter set forth, payment will be made for carrying out on range land in 1940 such of the range-building practices listed in this section as are recommended for the State by the State committee and approved by the Regional Director, and as are approved by the county committee for the ranching unit prior to their institution. The payments listed below are the maximum payments allowable, and the payment for any practice included may, for any State or area within a State, be adjusted downward by the State committee with the approval of the Agricultural Adjustment Administration in order to reflect relatively lower costs or relative desirability of the practice.

Practices and Conditions of Payment	Rate of Payment
RESEEDING OF RANGE LAND	
(a) <u>Natural Reseeding by Deferred Grazing and Supplemental Practices.</u> Withholding 25 percent of the range land in the ranching unit from grazing for the normal period from the start of forage growth to seed maturity, which period will be determined by the State committee with the approval of the regional director, provided that (1) the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock or on ranching units used exclusively for grazing sheep or goats (and, in areas designated by the regional director upon recommendation of the State committee, cattle or horses) the entry of livestock on the non-grazed acreage is prevented by herding or other specified methods, (2) the remaining range land in the ranching unit is not pastured to such an extent as will decrease the stand of grass or injure the forage, tree growth, or watershed, (3) such	75 percent of that part of the range-building allowance which is computed under section 2 (a): <u>Provided</u> , That (1) if grazing is deferred on less than 25 percent of the range land in the ranching unit the payment shall be 3 percent for each 1 percent of the range land included in such practice; and (2) that payment shall not exceed the value of practices carried out which are designated by the county committee in accordance with instructions issued with the approval of the Agricultural Adjustment Administration and for which payment otherwise will not be made, except that in areas designated by the Agricultural Adjustment Administration as areas where only limited supplemental practices are required or are otherwise provided for, payment shall not

Practices and Conditions of Payment	Rate of Payment
practice shall not be applicable to range land in the ranching unit which normally is not used for grazing, (4) the ranch operator has submitted to the county committee in writing the designation of the non-grazing range area previous to the initiation of such practice, and (5) the ranch operator complies with such other conditions or specifications as shall be established by the county committee with the approval of the State committee as are needed in the interest of range conservation.	exceed 40 percent (or if grazing is deferred on less than 25 percent of the range land in the ranching unit 1.6 percent for each 1 percent of the range land included in such practice) of the allowance computed under section 2 (a) by more than the value of such practices carried out on the ranching unit.
(b) <u>Artificial Reseeding.</u> For reseeding depleted range land, including mountain meadow land, with good seed of adapted varieties of range grasses, legumes or forage shrubs.	\$0.20 per pound of seed sown, but not in excess of \$2.00 per acre
(c) <u>Artificial sodding.</u> For resodding depleted range land with adapted varieties of range grasses.	\$3.00 per acre.

EROSION AND RUNOFF CONTROL

(d) <u>Contour listing, furrowing, or subcoiling.</u> For listing, furrowing, or subsoiling range land, including mountain meadow land, on the contour.	2.5 cents per 100 linear feet.
(e) <u>Contour Ridging.</u> For ridging range land on the contour.	\$0.10 per 100 linear feet
(f) <u>Spreader dams and terraces.</u> For constructing spreader dams and spreader terraces alone or in combination with each other for the diversion of surface water to prevent soil washing of range land, including mountain meadow land:	
(1) Spreader dams - - - - -	\$0.15 per cubic yard of material moved.
(2) Spreader terraces - - - - -	\$0.50 per 100 linear feet.

Practices and Conditions of Payment	Rate of Payment
DEVELOPMENT OF STOCK WATER ON RANGE LAND	

(g) Earthen tanks or reservoirs. For constructing reservoirs or earthen tanks with spillways adequate to prevent dams from washing out, for the purpose of providing water for range livestock. \$0.15 per cubic yard of material moved not in excess of 5,000 cubic yards, and \$0.10 per cubic yard of material moved in excess of 5,000 cubic yards for each tank or reservoir.

(h) Concrete or rubble masonry dams. For constructing concrete or rubble masonry dams in rough or broken areas (where earthen dams or reservoirs are impracticable and where there is no possibility or using the masonry dam for irrigation), for the purpose of providing water for range livestock. \$6.00 per cubic yard of concrete or rubble masonry.

(i) Wells:

(1) For drilling or digging wells with casing not less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. Payment will not be made for a well developed at any ranch headquarters. \$2.00 per linear foot.

(2) For drilling wells with casing less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir or for drilling an artesian well for the purpose of providing water for range livestock provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or trough. Payment will not be made for a well developed at any ranch headquarters. \$1.00 per linear foot.

Practices and Conditions of Payment	Rate of Payment
(j) <u>Development of natural watering places.</u> For developing springs or seeps for the purpose of providing water for range livestock, provided the source is protected from trampling, and at least 20 cubic feet of available water storage is provided, and provided further, that the total cost of development is not less than \$20.00	\$0.30 per cubic foot in soil or gravel and \$0.50 per cubic foot in rock formation for excavation of source, provided the minimum payment will be \$20.00 and the maximum payment \$100.00 for any single development.

PLANTING AND MAINTAINING A STAND OF TREES

(k) <u>Tree planting.</u> Planting of trees on range land, provided that the trees are planted in 1940 prior to November 1; that the number, kind, and age of trees planted and methods of planting and growing of such trees are in accordance with approved specifications; and that the acreage planted to trees is fenced and the fence is maintained sufficiently to prevent entry of livestock.	\$7.50 per acre.
(l) <u>Cultivating and maintaining a stand of trees.</u> Cultivating, protecting, and maintaining, by replanting, if necessary, a full stand of at least 500 trees per acre of forest planting, or 200 trees per acre of windbreak or shelter-belt plantings, planted on range land between July 1, 1935 and July 1, 1940.	\$3.00 per acre

CONSERVATION OF RANGE LANDS THROUGH ELIMINATION OF DESTRUCTIVE PLANTS

(m) <u>Prickly pear and cactus:</u>	
(1) Light infestation - - - -	\$0.50 per acre.
(2) Medium infestation - - - -	\$0.75 per acre.
(3) Heavy infestation - - - -	\$1.00 per acre.
(n) <u>Mesquite:</u>	
(1) Light infestation - - - -	\$0.50 per acre.
(2) Medium infestation - - - -	\$1.00 per acre.
(3) Heavy infestation - - - -	\$2.00 per acre.

Practices and Conditions of Payment	Rate of Payment
(o) <u>Cedar:</u>	
(1) Light infestation - - - - -	\$0.75 per acre.
(2) Medium infestation - - - - -	\$1.00 per acre.
(3) Heavy infestation - - - - -	\$1.50 per acre.
(p) <u>Lechuguilla;</u>	
(1) Heavy infestation - - - - -	\$0.50 per acre.
(q) <u>St. John's Wort:</u>	
(1) Medium infestation - - - - -	\$2.00 per acre
(r) <u>Sagebrush:</u>	
(1) Heavy infestation - - - - -	\$0.50 per acre
<p><u>Provided</u>, That if the county committee determines the elimination of destructive plants under any of practices (m) to (r), inclusive, will reduce the vegetative cover to such an extent as to encourage increased soil erosion, the use of practice (b), Artificial reseeding, shall also be required where soil and climatic conditions permit.</p>	
(s) <u>Destruction of noxious plants by mowing:</u> <u>Provided</u> , That payment will not be made if the plants mowed are used for hay or sold for any purpose. Payment will not be made for mowing a greater number of times than the county committee, with the approval of the State committee, finds is necessary for destruction of the noxious plants.	\$0.25 per acre

FIRE GUARDS

(t) <u>Fire guards.</u> For the establishment on range land of fire guards not less than 10 feet in width by plowing furrows or otherwise exposing the mineral soil. Payment will not be made if any fire guard is used in connection with controlled burning within the ranching unit.	\$0.05 per 100 linear feet
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Sec. 2. RANGE-BUILDING ALLOWANCE

(a) Acreage and grazing capacity. In Texas, Oklahoma, Kansas, Nebraska, South Dakota, and California, the range-building allowance shall be 2 cents per acre of range land in the ranching unit plus \$1.00 times the grazing capacity of the range land; and in Arizona, New Mexico, Nevada, Utah, Colorado, Washington, Oregon, Idaho, Montana, Wyoming, and North Dakota, the range-building allowance shall be 3 cents per acre of range land in the ranching unit plus 75 cents times the grazing capacity of the range land: Provided, however, that in either area the grazing capacity item shall not be calculated on more than one animal unit for each 10 acres of range land in the ranching unit, and the acreage item shall not be calculated on more than 60 acres for each animal unit of grazing capacity established for the ranching unit: Provided further, That the amount computed under this paragraph shall not be less than 10 cents times the number of such acres or 640 acres, whichever is smaller.

(b) Mountain meadow land. In addition, the range-building allowance shall include 35 cents times the number of acres of mountain meadow land in the ranching unit from which hay is normally harvested for feeding on the ranching unit to range livestock owned by the operator of the ranching unit. The counties in which this additional allowance is made shall be those mountain counties in the Western Region for which, upon the basis of the recommendations of the county and State committees, the regional director determines the reseeding and erosion control practices specified in Section 1 to be necessary and effective in promoting range conservation: Provided, however, the mountain meadow land for which this additional allowance is made shall not be considered in calculating the portion of the range-building allowance provided for in paragraph (a).

Sec. 3. CONDITIONS OF PAYMENT

(a) Promotion of conservation and good range management. Payments for carrying out range-building practices are conditioned upon the adoption or maintenance of conservative range management practices designed to secure or maintain a good stand of grass or other palatable forage plants and in bringing about such use of the forage resources of the ranch as will most effectively carry out the purposes of the Soil Conservation and Domestic Allotment Act. Payments under the 1940 Range Conservation Program will be made only with respect to those ranching units on which the county committee certifies that such range management practices have been followed. The range-building practices approved by the county committee for any ranching unit shall be practices which the county committee finds are needed on the ranch in order to promote conservation and good range management.

(b) Payments limited to range-building allowance.

The range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit. Payment will be made only if range-building practices are carried out according to specifications recommended by the State committee and approved by the regional director. Payments made for carrying out range-building practices shall not be subject to the provisions of Section 1 of the 1940 Agricultural Conservation Program Bulletin.

(c) State or Federal aid. No payment will be made for practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the Agricultural Adjustment Administration, or for practices with respect to which a portion of the labor, seed, trees, or other materials used in carrying out such practices is furnished by a State or Federal agency other than the Agricultural Adjustment Administration, if such portion represents one-half or more of the total cost of carrying out such practices. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents less than one-half of the total cost of carrying out such practice, payment will be made for such practice at one-half of the rate specified in Section 1: Provided, That labor, seed, trees, and materials furnished to a State, political subdivision of a State, or any agency thereof by an agency of the same State shall not be deemed to have been furnished by "any State . . . agency" within the meaning of this paragraph. Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency. No payment will be made for the planting and protection of forest trees planted under a cooperative agreement entered into with the Forest Service in connection with the Prairie States Forestry Project.

Sec. 4 CHANGES IN LEASING ARRANGEMENTS AND OTHER DEVICES

No payment will be made to any person who has for 1940 made any change from the 1939 leasing arrangements of range land for the purpose of, or which would have the effect of, diverting to such person any payment to which any lessee would be entitled if the 1939 leasing arrangements of such range land were in effect for 1940. If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1940 Range Conservation Program has made any change from the 1939 leasing arrangements of such range land or has employed any other scheme or device whatsoever for the purpose of, or which would have the effect of, depriving any other person of any payment or share therein to which such other person otherwise would be entitled, the Secretary may

withhold in whole or in part from the person participating in such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or otherwise would be made to such person for performance in connection with the 1940 Range Conservation Program.

Sec. 5 ELIGIBILITY FOR PAYMENT

(a) Persons eligible to file application. Application for range-building payment may be made only by ranch operators. Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators, provided they all signify in the application for the range-building payment a percentum of the total payment to be made to each ranch operator. In case there are two or more ranch operators, the application must be made by all of them, except that in cases where any ranch operator refuses to sign the application for payment the county committee shall determine the percentage share of each ranch operator and payment of his percentage share will be made to each ranch operator applying for payment in accordance with such determination.

(b) Time and manner of filing application and information required. Payment will be made only upon application submitted through the county office, on or before a date fixed by the regional director but not later than March 31, 1941. The Secretary reserves the right (1) to withhold payment to any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

(c) Excess cotton acreage. Any person who makes application for payment with respect to any ranching unit located in a county in which cotton is planted in 1940 shall file with such application a statement that the applicant has not knowingly planted or caused to be planted during 1940 cotton on land in any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1940 and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton on his farm in 1940 on acreage in excess of the cotton acreage allotment established for the farm for 1940 shall not be eligible for any payment under the provisions of the 1940 Range Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1940 on acreage

in excess of the cotton acreage allotment for the farm for 1940 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

Sec. 6 PAYMENT RESTRICTED TO EFFECTUATION OF THE PURPOSES OF THE PROGRAM

All or any part of any payment which otherwise would be made to any person under the 1940 Range Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous range conservation programs, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which the regional director finds is contrary to sound conservation practices.

No payment will be made to any person if it is determined in accordance with instructions issued by the Agricultural Adjustment Administration that, with respect to any ranch which he owns or operates, the stand of grass has been decreased or the forage, tree growth or watershed has been injured by overgrazing in 1940.

Sec. 7 PAYMENTS COMPUTED AND MADE WITHOUT REGARD TO CLAIMS

Any payment or share of payments shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in Section 11), and without regard to any claim or lien against any crop or livestock, or proceeds thereof, in favor of the owner or any other creditor.

Sec. 8 INCREASE IN SMALL PAYMENTS

The total payment computed for any person with respect to any ranching unit shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.00

- (2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;
- (3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to 1.99 - - -	\$0.40	\$32.00 to 32.99 -	\$10.40
2.00 to 2.99 - - -	0.80	33.00 to 33.99 -	10.60
3.00 to 3.99 - - -	1.20	34.00 to 34.99 -	10.80
4.00 to 4.99 - - -	1.60	35.00 to 35.99 -	11.00
5.00 to 5.99 - - -	2.00	36.00 to 36.99 -	11.20
6.00 to 6.99 - - -	2.40	37.00 to 37.99 -	11.40
7.00 to 7.99 - - -	2.80	38.00 to 38.99 -	11.60
8.00 to 8.99 - - -	3.20	39.00 to 39.99 -	11.80
9.00 to 9.99 - - -	3.60	40.00 to 40.99 -	12.00
10.00 to 10.99 - - -	4.00	41.00 to 41.99 -	12.10
11.00 to 11.99 - - -	4.40	42.00 to 42.99 -	12.20
12.00 to 12.99 - - -	4.80	43.00 to 43.99 -	12.30
13.00 to 13.99 - - -	5.20	44.00 to 44.99 -	12.40
14.00 to 14.99 - - -	5.60	45.00 to 45.99 -	12.50
15.00 to 15.99 - - -	6.00	46.00 to 46.99 -	12.60
16.00 to 16.99 - - -	6.40	47.00 to 47.99 -	12.70
17.00 to 17.99 - - -	6.80	48.00 to 48.99 -	12.80
18.00 to 18.99 - - -	7.20	49.00 to 49.99 -	12.90
19.00 to 19.99 - - -	7.60	50.00 to 50.99 -	13.00
20.00 to 20.99 - - -	8.00	51.00 to 51.99 -	13.10
21.00 to 21.99 - - -	8.20	52.00 to 52.99 -	13.20
22.00 to 22.99 - - -	8.40	53.00 to 53.99 -	13.30
23.00 to 23.99 - - -	8.60	54.00 to 54.99 -	13.40
24.00 to 24.99 - - -	8.80	55.00 to 55.99 -	13.50
25.00 to 25.99 - - -	9.00	56.00 to 56.99 -	13.60
26.00 to 26.99 - - -	9.20	57.00 to 57.99 -	13.70
27.00 to 27.99 - - -	9.40	58.00 to 58.99 -	13.80
28.00 to 28.99 - - -	9.60	59.00 to 59.99 -	13.90
29.00 to 29.99 - - -	9.80	60.00 to 185.99 -	14.00
30.00 to 30.99 - - -	10.00	186.00 to 199.99 -	(1)
31.00 to 31.99 - - -	10.20	200.00 and over -	(2)

¹ Increase to 200.00

² No increase

Sec. 9 PAYMENTS LIMITED TO \$10,000

The total of all payments made in connection with programs for 1939 under Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, Territory, or possession, shall not exceed the sum of \$10,000 prior to deduction for association expenses in the county or counties with respect to which

the particular payment is made. The total of all payments made in connection with programs for 1939 under Section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership or estate with respect to farms, ranching units and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000 prior to deduction for association expenses in the county or counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 Agricultural Conservation Program, including the Range Conservation Program, may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

SEC. 10 DEDUCTIONS FOR ASSOCIATION EXPENSES

There shall be deducted pro rata from the payments with respect to any ranching unit all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the ranching unit is located.

Sec. 11 ASSIGNMENTS

Any person who may be entitled to any payment in connection with the 1940 Range Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the Agricultural Adjustment Administration and unless such assignment is entitled to priority as determined under the instructions governing the recording of such assignments issued by the Agricultural Adjustment Administration.

Nothing contained in this Section 11 shall be construed to give an assignee a right to any payment other than that to which the ranch operator is entitled nor (as provided in the statute) shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the ranch operator without regard to the existence of any such assignment.

Sec. 12 ESTABLISHMENT OF GRAZING CAPACITIES

There shall be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received on or before a date established by the regional director as affording reasonable opportunity for the filing of such applications. In determining grazing capacity, consideration shall be given to the following: (a) composition, palatability, and density of forage growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) presence or absence of rodents and poisonous plant infestations; and (f) number and classes of livestock previously carried. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit established by the Agricultural Adjustment Administration on the basis of available statistics.

Sec. 13 APPEALS

Any person may within 15 days after notice thereof is forwarded to or available to him request the county committee in writing to reconsider its recommendation or determination in any of the following matters respecting any ranching unit in which he has an interest: (a) eligibility to file an application for payment, (b) grazing capacity established for the range land in such ranching unit, or (c) any other matter affecting the right to or the amount of his payment with respect to the ranching unit. The county committee shall notify such persons of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, having an interest in the operation of the ranching unit, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, having an interest in the operation of the ranching unit, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

Sec. 14 STATE AND REGIONAL BULLETINS, INSTRUCTIONS AND FORMS

The Agricultural Adjustment Administration is hereby authorized to make such determinations and to prepare and issue such State and regional bulletins, instructions, and forms as may be required pursuant to the provisions hereof in administering the 1940 Range Conservation Program.

Sec. 15 DEFINITIONS

For the purposes of the 1940 Range Conservation Program unless the context otherwise requires:

Secretary means the Secretary of Agriculture of the United States.

North Central Region means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

Southern Region means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

Western Region means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

Regional Director means the director of the division of the Agricultural Adjustment Administration in charge of the Agricultural Conservation Programs and the Range Conservation Programs in the Region.

State Committee means the group of persons designated for any State to assist in the administration of the Agricultural Conservation Programs and the Range Conservation Programs in such State.

County Committee means the group of persons elected for any county to assist in the administration of the Agricultural Conservation Programs and the Range Conservation Programs in such county.

Person means an individual, partnership, association, corporation, estate, or trust, and wherever applicable a State, a political sub-division of a State, or any agency thereof.

Range-Building Payment means a payment for the carrying out of one or more approved range-building practices.

Range-Building Allowance means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

Ranch Operator means a person who as owner, cash tenant, or share tenant operates, or a person who acts in similar capacity in the operation of a ranching unit in 1940.

Range Land means any land in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage grazed by range livestock, without cultivation or general irrigation. Range land shall not include public domain of the United States including lands owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States; provided that in States or areas where the range conservation program is applicable and is not combined with the Agricultural Conservation Program all non-crop open pasture land shall be classified as range land upon recommendation of the State committee and approval of the Agricultural Adjustment Administration.

Ranching Unit means all range land which is used in 1940 by the ranch operator as a single unit in producing range livestock, with machinery, workstock, and labor substantially separate from that of any other range land. In order to facilitate the administration of the program the Regional Director may prescribe that for the purposes of this program tracts shall be deemed ranching units only if they contain more than the minimum acreage of range land fixed by him. A ranching unit shall be regarded as located in the county in which its principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the ranching unit is located.

Animal Unit means one cow, one horse, five sheep, or five goats, or the equivalent thereof.

Grazing Capacity of Range Land means the number of animal units which such land will sustain, on a 12-month basis, over a period of years without decreasing the stand of grass or other grazing vegetation, and without injury to the forage, tree growth, or watershed.

Sec. 16 AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

(a) Authority. Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, and in connection with the effectuation of the

purposes of Section 7 (a) of said Act in 1940, the payments provided for herein will be made for participation in the 1940 Range Conservation Program.

(b) Availability of funds. The provisions of the 1940 Agricultural Conservation Program, including the Range Conservation Program, are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation. Any increase or decrease in rates of payment made because of the extent of participation in the Range Conservation Program will not exceed 10 percent.

(c) Applicability. The provisions of the 1940 Range Conservation Program contained herein, except Section 9, are not applicable to (1) Hawaii, Puerto Rico, and Alaska; (2) counties for which special range programs under said Act are approved for 1940 by the Secretary; and (3) public domain of the United States, including land owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

(d) Combination with Agricultural Conservation Program. The Range Conservation Program may be combined with the Agricultural Conservation Program for 1940 in any State or area upon recommendation of the State committee and the approval of the Agricultural Adjustment Administration, in which case range land shall be treated as non-crop pasture and the range-building practices shall be treated as incorporated in the agricultural conservation program.

[SEAL]

Done at Washington, D. C., this
28th day of September, 1939. Witness
my hand and the seal of the Department
of Agriculture.

/s/ H. A. WALLACE
Secretary of Agriculture.

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

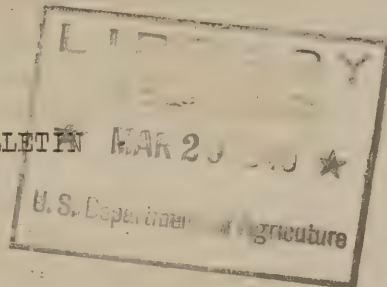
WESTERN REGION

1940 RANGE CONSERVATION PROGRAM BULLETIN

MAR 20 1940 ★

For

MEAGHER COUNTY, MONTANA



Payment will be made for participation in the 1940 Meagher County, Montana, Range Conservation Program in accordance with the provisions hereof and such modifications thereof as may hereafter be made. This bulletin supersedes for Meagher County all portions of WR-1940-Montana-1 relating to range.

Section 1. RATES OF RANGE-BUILDING PAYMENTS

Within the limits of the range-building allowance and subject to the conditions hereinafter set forth, payment will be made for carrying out on range land in 1940 such of the range-building practices listed in this section as are approved by the county committee for the ranching unit prior to their institution; Provided, That payment for range-building practices other than (a), natural reseeding by limited grazing, shall not exceed 60 per cent of the range-building allowance computed under Section 2(a) plus the range-building allowance computed under Section 2(b), less any deductions provided for in Section 3(c).

Practices and Conditions of Payment	Rate of Payment
RESEEDING OF RANGE LAND	
(a) <u>Natural reseeding by limited grazing:</u>	
Subject to the conditions hereinafter set forth, payments will be made for the performance of limited grazing on range land, if approved by the county committee for the ranching unit prior to its institution, during the year 1940 as follows:	
(1) If no goal is established for the ranching unit by the county committee or if a goal is established by the county committee for the ranching unit and the operator fails to fully comply with the provisions thereof.	40 percent of that part of the range-building allowance which is computed under Section 2 (a).

Practices and Conditions of Payment	Rate of Payment
<p>(2) If a goal is established for the ranching unit by the county committee and if the operator fully complies with the provisions thereof.</p> <p>The goal provided for in this Section 1 (a) shall be established by the county committee and shall consist of conditions and specifications other than those listed in this bulletin, and in addition to limited grazing, which the county committee determines are necessary on the ranch either to support and complement the effective conservation use to be made of the range in connection with such range-building practices as are contained in this bulletin or to assist in connection with limited grazing in bringing about on the ranching unit such use of the forage resources as will more effectively carry out the purposes of the Soil Conservation and Domestic Allotment Act. The county committee's determination with respect to goals shall be based on conservative range management, forage and feed resources of the ranch, topographic and cultural features, utilization of forage by wildlife and the extent to which the resources of the ranch have been utilized in a conservative manner.</p> <p>(b) <u>Artificial reseeding.</u></p> <p>For reseeding depleted range land, including mountain meadowland, with good seed of adapted varieties of range grasses, legumes or forage shrubs.</p>	<p>75 percent of that part of the range-building allowance which is computed under Section 2 (a).</p> <p>\$0.15 per pound of seed sown, but not in excess of \$1.50 per acre.</p>

EROSION AND RUN-OFF CONTROL

<p>(d) <u>Contour listing, furrowing, or subsoiling.</u></p> <p>For listing, furrowing, or subsoiling range land, including mountain meadowland, on the contour.</p>	<p>2.5 cents per 100 linear feet.</p>
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Practices and Conditions of Payment	Rate of Payment
(f) <u>Spreader dams and terraces.</u>	
For constructing spreader dams and spreader terraces alone or in combination with each other for the diversion of surface water to prevent soil washing of range land, including mountain meadowland:	
(1) Spreader dams - - - - -	\$0.15 per cubic yard of material moved.
(2) Spreader terraces - - - - -	\$0.50 per 100 linear feet.

DEVELOPMENT OF STOCK WATER ON RANGE LAND

(g) <u>Earthen tanks or reservoirs.</u>	
For constructing reservoirs or earthen tanks with spillways adequate to prevent dams from washing out, for the purpose of providing water for range livestock.	\$0.15 per cubic yard of material moved not in excess of 5,000 cubic yards, and \$0.10 per cubic yard of material moved in excess of 5,000 cubic yards for each tank or reservoir.
(i) <u>Wells:</u>	
(1) For drilling or digging wells with casing not less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. Payment will not be made for a well developed at any ranch headquarters.	\$2.00 per linear foot.
(2) For drilling wells with casing less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir, or for drilling an artesian well for the purpose of providing water for range livestock, provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or trough. Payment will not be made for a well developed at any ranch headquarters.	\$1.00 per linear foot.

Practices and Conditions of Payment	Rate of Payment
(j) <u>Development of natural watering places.</u>	
For developing springs or seeps for the purpose of providing water for range livestock, provided the source is protected from trampling, and at least 20 cubic feet of available water storage is provided; and provided further, that the total cost of development is not less than \$20.00.	\$0.30 per cubic foot in soil or gravel and \$0.50 per cubic foot in rock formation for excavation of source, provided the minimum payment will be \$20.00 and the maximum payment \$100.00 for any single development.

FIRE GUARDS

(t) <u>Fire guards.</u>	
For the establishment on range land of fire guards not less than 10 feet in width by plowing furrows or otherwise exposing the mineral soil. Payment will not be made if any fire guard is used in connection with controlled burning within the ranching unit.	\$0.05 per 100 linear feet.

Sec. 2. RANGE-BUILDING ALLOWANCE

(a) Acreage and grazing capacity. The range-building allowance shall be 3 cents per acre of range land in the ranching unit plus 75 cents times the grazing capacity of the range land: Provided, however, that the grazing capacity item shall not be calculated on more than one animal unit for each 10 acres of range land in the ranching unit, and the acreage item shall not be calculated on more than 60 acres for each animal unit of grazing capacity established for the ranching unit: Provided further, That the amount computed under this paragraph shall not be less than 10 cents times the number of such acres or 640 acres, whichever is smaller.

(b) Mountain meadowland. In addition, the range-building allowance shall include 35 cents times the number of acres of mountain meadowland in the ranching unit from which hay is normally harvested for feeding on the ranching unit to range livestock owned by the operator of the ranching unit: Provided, however, the mountain meadowland for which this additional allowance is made shall not be considered in calculating the portion of the range-building allowance provided for in paragraph (a).

Sec. 3. CONDITIONS OF PAYMENT

(a) No payment for range-building practices carried out under Section 1 will be made unless limited grazing has been carried out on the ranch during 1940 or the county committee shall have determined that the method of ranch management for those ranching units which did not participate in either the 1938 or the 1939 range programs has been adjusted before December 31, 1940, in the manner required to successfully carry out limited grazing.

(b) Promotion of conservation and good range management. Payments for carrying out range-building practices are conditioned upon the adoption or maintenance of conservative range management practices designed to secure or maintain a good stand of grass or other palatable forage plants and in bringing about such use of the forage resources of the ranch as will most effectively carry out the purposes of the Soil Conservation and Domestic Allotment Act. Payments under the 1940 Meagher County, Montana, Range Conservation Program will be made only with respect to those ranching units on which the county committee certifies that such range management practices have been followed. The range-building practices approved by the county committee for any ranching unit shall be practices which the county committee finds are needed on the ranch in order to promote conservation and good range management.

(c) Payments limited to range-building allowance. The range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit. Payment will be made only if range-building practices are carried out according to specifications recommended by the State Committee and approved by the Regional Director. Payments made for carrying out range-building practices shall not be subject to the deduction provisions of Section 1 of the 1940 Agricultural Conservation Program Bulletin. However, in 1940 if any area in excess of 10 per cent of the ranching unit is overgrazed within a ranching unit on which the performance of limited grazing has been approved and, in the judgment of the county committee, this abuse was deliberate and was done for profit or through negligence, a deduction shall be made equal to five times the limited grazing payment computed for the area affected, at the average per-acre rate earned for carrying out limited grazing under (a)-(1) or (a)-(2), whichever is applicable, for the ranching unit.

(d) State or Federal aid. No payment will be made for practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the Agricultural Adjustment Administration, or for practices with respect to which a portion of the labor, seed, trees, or other materials used in carrying out such practices is furnished by a State or Federal agency other than the Agricultural Adjustment Administration, if such portion represents one-half or more of the total cost of carrying out such practices. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents less than one-half of the total cost of carrying out such practice, payment will be made for such

practice at one-half of the rate specified in Section 1: Provided, That labor, seed, trees, and materials furnished to a State, political subdivision of a State, or any agency thereof by an agency of the same State shall not be deemed to have been furnished by "any State . . . agency" within the meaning of this paragraph. Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency.

Sec. 4. CHANGES IN LEASING ARRANGEMENTS AND OTHER DEVICES

No payment will be made to any person who has for 1940 made any change from the 1939 leasing arrangements of range land for the purpose of, or which would have the effect of, diverting to such person any payment to which any lessee would be entitled if the 1939 leasing arrangements of such range land were in effect for 1940. If the State Committee finds that any person who files an application for a payment pursuant to the provisions of the 1940 Meagher County, Montana, Range Conservation Program has made any change from the 1939 leasing arrangements of such range land or has employed any other scheme or device whatsoever for the purpose of, or which would have the effect of, depriving any other person of any payment or share therein to which such other person otherwise would be entitled, the Secretary may withhold in whole or in part from the person participating in such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or otherwise would be made to such person for performance in connection with the 1940 Meagher County, Montana, Range Conservation Program.

Sec. 5. ELIGIBILITY FOR PAYMENT

(a) Persons eligible to file application. Application for range-building payment may be made only by ranch operators. Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators, provided they all signify in the application for the range-building payment a percentum of the total payment to be made to each ranch operator. In case there are two or more ranch operators, the application must be made by all of them, except that in cases where any ranch operator refuses to sign the application for payment the county committee shall determine the percentage share of each ranch operator and payment of his percentage share will be made to each ranch operator applying for payment in accordance with such determination.

(b) Time and manner of filing application and information required. Payment will be made only upon application submitted through the county office, on or before a date fixed by the Regional Director but not later than April 30, 1941. The Secretary reserves the right (1) to withhold payment to any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the Regional Director. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

(c) Excess cotton acreage. Any person who makes application for payment with respect to any ranching unit located in a county in which cotton is planted in 1940 shall file with such application a statement that the applicant has not knowingly planted or caused to be planted during 1940 cotton on land on any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1940 and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton on his farm in 1940 on acreage in excess of the cotton acreage allotment established for the farm for 1940 shall not be eligible for any payment under the provisions of the 1940 Meagher County, Montana, Range Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1940 on acreage in excess of the cotton acreage allotment for the farm for 1940 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

Sec. 6. PAYMENT RESTRICTED TO EFFECTUATION OF THE PURPOSES OF THE PROGRAM

All or any part of any payment which otherwise would be made to any person under the 1940 Meagher County, Montana, Range Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous range conservation programs, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which the Regional Director finds is contrary to sound conservation practices.

No payment will be made to any person if it is determined in accordance with instructions issued by the Agricultural Adjustment Administration that, with respect to any ranch which he owns or operates, the stand of grass has been decreased or the forage, tree growth, or watershed has been injured by overgrazing in 1940.

Sec. 7. PAYMENTS COMPUTED AND MADE WITHOUT REGARD TO CLAIMS

Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in Section 11), and without regard to any claim or lien against any crop or livestock, or proceeds thereof, in favor of the owner or any other creditor.

Sec. 8. INCREASE IN SMALL PAYMENTS

The total payment computed for any person with respect to any ranching unit shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.00;
- (2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;
- (3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed		Increase in payment	Amount of payment computed		Increase in payment
\$1.00	to 1.99	\$0.40	\$32.00	to 32.99	\$10.40
2.00	to 2.99	0.80	33.00	to 33.99	10.60
3.00	to 3.99	1.20	34.00	to 34.99	10.80
4.00	to 4.99	1.60	35.00	to 35.99	11.00
5.00	to 5.99	2.00	36.00	to 36.99	11.20
6.00	to 6.99	2.40	37.00	to 37.99	11.40
7.00	to 7.99	2.80	38.00	to 38.99	11.60
8.00	to 8.99	3.20	39.00	to 39.99	11.80
9.00	to 9.99	3.60	40.00	to 40.99	12.00
10.00	to 10.99	4.00	41.00	to 41.99	12.10
11.00	to 11.99	4.40	42.00	to 42.99	12.20
12.00	to 12.99	4.80	43.00	to 43.99	12.30
13.00	to 13.99	5.20	44.00	to 44.99	12.40
14.00	to 14.99	5.60	45.00	to 45.99	12.50
15.00	to 15.99	6.00	46.00	to 46.99	12.60
16.00	to 16.99	6.40	47.00	to 47.99	12.70
17.00	to 17.99	6.80	48.00	to 48.99	12.80
18.00	to 18.99	7.20	49.00	to 49.99	12.90
19.00	to 19.99	7.60	50.00	to 50.99	13.00
20.00	to 20.99	8.00	51.00	to 51.99	13.10
21.00	to 21.99	8.20	52.00	to 52.99	13.20
22.00	to 22.99	8.40	53.00	to 53.99	13.30
23.00	to 23.99	8.60	54.00	to 54.99	13.40
24.00	to 24.99	8.80	55.00	to 55.99	13.50
25.00	to 25.99	9.00	56.00	to 56.99	13.60
26.00	to 26.99	9.20	57.00	to 57.99	13.70
27.00	to 27.99	9.40	58.00	to 58.99	13.80
28.00	to 28.99	9.60	59.00	to 59.99	13.90
29.00	to 29.99	9.80	60.00	to 185.99	14.00
30.00	to 30.99	10.00	186.00	to 199.99	1/
31.00	to 31.99	10.20	200.00	and over	2/

1/ Increase to \$200.00

2/ No increase

Sec. 9. PAYMENTS LIMITED TO \$10,000

The total of all payments made in connection with programs for 1940 under Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms and ranching units in the State of Montana shall not exceed the sum of \$10,000 prior to deduction for association expenses in the county or counties with respect to which the particular payment is made. The total of all payments made in connection with programs for 1940 under Section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership or estate with respect to farms, ranching units and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 Agricultural Conservation Program, including the Range Conservation Program, may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

Sec. 10. DEDUCTIONS FOR ASSOCIATION EXPENSES

There shall be deducted pro rata from the payments with respect to any ranching unit all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the ranching unit is located.

Sec. 11. ASSIGNMENTS

Any person who may be entitled to any payment in connection with the 1940 Meagher County, Montana, Range Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the Agricultural Adjustment Administration and unless such assignment is entitled to priority as determined under the instructions governing the recording of such assignments issued by the Agricultural Adjustment Administration.

Nothing contained in this Section 11 shall be construed to give an assignee a right to any payment other than that to which the ranch operator is entitled nor (as provided in the statute) shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the ranch operator without regard to the existence of any such assignment.

Sec. 12. ESTABLISHMENT OF GRAZING CAPACITIES

There shall be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received on or before a date established by the Regional Director as affording reasonable opportunity for the filing of such applications. In determining grazing capacity, consideration shall be given to the following: (a) composition, palatability, and density of forage growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) presence or absence of rodents and poisonous plant infestations; and (f) number and classes of livestock previously carried. The average of the individual grazing capacities established for all ranching units in the county shall not exceed the county average grazing capacity limit established by the Agricultural Adjustment Administration on the basis of available statistics.

Sec. 13. APPEALS

Any person may within 15 days after notice thereof is forwarded to or available to him request the county committee in writing to reconsider its recommendation or determination in any of the following matters respecting any ranching unit in which he has an interest: (a) eligibility to file an application for payment, (b) grazing capacity established for the range land in such ranching unit, or (c) any other matter affecting the right to or the amount of his payment with respect to the ranching unit. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State Committee. The State Committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State Committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Regional Director to review the decision of the State Committee.

Written notice of any decision rendered under this section by the county or State Committee shall also be issued to each person known to it who, having an interest in the operation of the ranching unit, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, having an interest in the operation of the ranching unit, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

Sec. 14. STATE AND REGIONAL BULLETINS, INSTRUCTIONS AND FORMS

The Agricultural Adjustment Administration is hereby authorized to make such determinations and to prepare and issue such State and regional bulletins, instructions, and forms as may be required pursuant to the provisions hereof in administering the 1940 Meagher County, Montana, Range Conservation Program.

Sec. 15. DEFINITIONS

For the purposes of the 1940 Meagher County, Montana, Range Conservation Program unless the context otherwise requires:

Secretary means the Secretary of Agriculture of the United States.

Western Region means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

Regional Director means the director of the division of the Agricultural Adjustment Administration in charge of the 1940 Agricultural Conservation Programs and the 1940 Range Conservation Programs, and the 1940 Meagher County, Montana, Range Conservation Program, in the State of Montana.

State Committee means the group of persons designated for the State of Montana to assist in the administration of the 1940 Agricultural Conservation Program and the 1940 Range Conservation Program and the 1940 Meagher County, Montana, Range Conservation Program, in the State of Montana.

County Committee means the group of persons elected within Meagher County to assist in the administration of the 1940 Agricultural Conservation Program and the 1940 Meagher County, Montana, Range Conservation Program.

Person means an individual, partnership, association, corporation, estate, or trust, and wherever applicable a State, a political sub-division of a State, or any agency thereof.

Range-Building Payment means a payment for the carrying out of one or more approved range-building practices.

Range-Building Allowance means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

Ranch Operator means a person who as owner, cash tenant, or share tenant operates, or a person who acts in similar capacity in the operation of, a ranching unit in 1940.

Range Land means any land in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage grazed by range livestock, without cultivation or general irrigation. Range land shall not include public domain of the United States including lands owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

Ranching Unit means all range land which is used in 1940 by the ranch operator as a single unit in producing range livestock, with machinery, workstock, and labor substantially separate from that of any other range land. In order to facilitate the administration of the program the Regional Director may prescribe that for the purposes of this program tracts shall be deemed ranching units only if they contain more than the minimum acreage

of range land fixed by him. A ranching unit shall be regarded as located in the county in which its principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the ranching unit is located.

Animal Unit means one cow, one horse, five sheep, or five goats, or the equivalent thereof.

Animal Month means the grazing capacity necessary to sustain one animal unit for one month.

Limited Grazing means the grazing of the forage of the ranching unit at such a rate during the year as to result in a sustained yield of grass or other grazing vegetation without injury to the forage, tree growth, or watershed.

Grazing Capacity of Range Land means the number of animal units which such land will sustain, on a 12-month basis, over a period of years without decreasing the stand of grass or other grazing vegetation, and without injury to the forage, tree growth, or watershed.

Sec. 16. AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

(a) Authority. Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, and in connection with the effectuation of the purposes of Section 7 (a) of said Act in 1940, the payments provided for herein will be made for participation in the 1940 Meagher County, Montana, Range Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other revisions as may hereafter be made.

(b) Availability of funds. The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation, the final estimate of payments which would be made in Meagher County, Montana, under the National 1940 Range Conservation Program and the extent of participation in the 1940 Meagher County, Montana, Range Conservation Program. As an adjustment for participation in the 1940 Meagher County, Montana, Range Conservation Program, the rates of payment specified herein may be increased or decreased by as much as 10 percent.

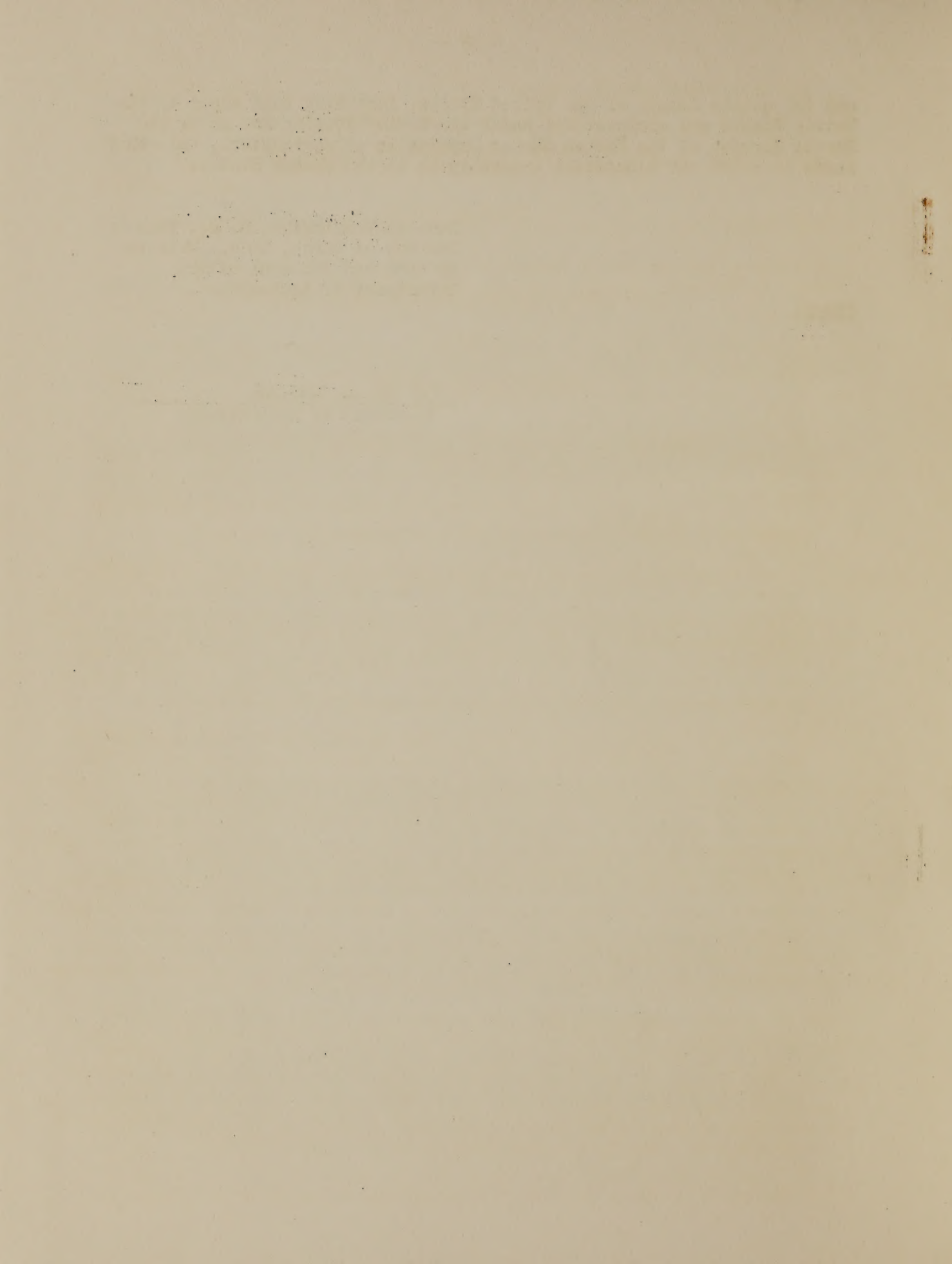
(c) Applicability. The provisions of the 1940 Meagher County, Montana, Range Conservation Program contained herein, except Section 9, are not applicable to (1) counties other than Meagher County, Montana,

and (2) public domain of the United States, including land owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

Done at Washington, D. C., this
2nd day of March, 1940. Witness
my hand and the seal of the
Department of Agriculture.

(SEAL)

/s/ H. A. WALLACE
Secretary of Agriculture.

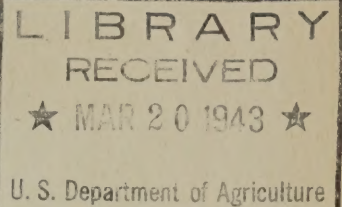


Issued February 8, 1943

UNITED STATES DEPARTMENT OF AGRICULTURE
Agricultural Adjustment Agency

1940 Range Conservation Program

Supplement No. 1



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The 1940 Range Conservation Program is amended as follows:

Section 5 (b) is amended as follows:

Section 5 ELIGIBILITY FOR PAYMENT

(b) Time and manner of filing application and information required. Payment will be made only upon application submitted through the county office on or before a date fixed by the regional director, but not later than March 31, 1941, except (1) the timely filing of an application by one person on a ranching unit shall constitute a timely filing on behalf of all persons on that ranching unit, and (2) an application for payment may be accepted if the State committee or its designated representative determines, in accordance with instructions issued by the regional director with the approval of the Chief of the Agricultural Adjustment Agency, that the failure to file the timely application was not due to the fault of the applicant. Applications filed under exceptions (1) and (2) above must be filed before expiration of the period for obligating the appropriation (June 30, 1942).

The Secretary reserves the right (1) to withhold payment from any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the regional director.

At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms, and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form within the period prescribed. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

(S E A L)

Done at Washington, D. C.
this 8th day of February, 1943.
Witness my hand and the seal of the
Department of Agriculture.

Grover B. Hill
Assistant Secretary of Agriculture

